

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of Adjudication and Hearings**



## **Procedural and Evidentiary Guidelines**

### **Civil Procedure**

All cases coming before OAH are subject to applicable provisions of Title 2, Chapter 5 of the District of Columbia Official Code. Civil Procedure in hearings involving Notices of Infraction also adheres to the procedures found in Title 4, Chapter 18 of the District of Columbia Official Code. Depending upon the nature and complexity of the case, the presiding Administrative Law Judge will issue one or more case management orders setting deadlines and addressing other procedural matters. Virtually all hearing matters coming before OAH are placed under case management orders. In the absence of binding authority or applicable order, the Administrative Law Judge may treat the Superior Court Rules of Civil Procedure as persuasive authority for managing and adjudicating cases before OAH.

### **Trial Evidence**

Under the District of Columbia Administrative Procedure Act, the presiding Administrative Law Judge is not bound by formal rules of evidence in conducting hearings. Because hearings before OAH are administrative in nature and tried without a jury, in many instances hearsay and other evidentiary objections are deemed to go to the weight of evidence rather than to its admissibility. In evaluating the weight or admissibility of evidence, the presiding Administrative Law Judge may be guided by the Federal Rules of Evidence which are treated as persuasive authority. The District of Columbia does not currently have a codified set of evidentiary rules.

In order to ensure fair and prompt hearings, OAH Administrative Law Judges will generally require that all documents (called exhibits) to be offered by either party in a hearing be filed with the OAH Docket Clerk and disclosed to opposing parties prior to the date of the hearing. As a general rule, OAH scheduling orders set document disclosure at ten (10) days prior to the date of the hearing. This allows both parties and the Administrative Law Judge adequate time to review the materials and prepare for the hearing. An Administrative Law Judge may issue other document disclosure or case management orders depending upon the nature and requirements of a given case. A pre-hearing conference will generally be required in more complex cases.

Additional information on filing and marking of exhibits can be found on the Case Management Procedures instructions

***If you have questions, please contact the Docket Clerk at (202) 442-9094.***

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**825 North Capitol Street, NE, Suite 5100, Washington, DC 20002    (202) 442-9094**